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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,129	06/05/2006	William H. Punzel	353.327	8711

23598 7590 04/03/2008  
BOYLE FREDRICKSON S.C.  
840 North Plankinton Avenue  
MILWAUKEE, WI 53203

EXAMINER
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KUHN, MART K

ART UNIT	PAPER NUMBER
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3637

NOTIFICATION DATE	DELIVERY MODE
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04/03/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com

### Office Action Summary

**Application No.**

10/542,129

**Applicant(s)**

PUNZEL ET AL.

**Examiner**

Mart K. Kuhn

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-13,25-27,30-32,34,39-41,44-46 and 51-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-13,25-27,30-32,34,39-41,44-46 and 51-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 13 March 2008 has been entered.

### ***Claim Rejections—35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 26, 27, 30–32, 34 and 52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 52 recites the limitation "[t]he storage cabinet system of claim 25" in line 1. There is insufficient antecedent basis for this limitation in the claim, as claim 25 is directed to a method, not a storage cabinet. For the purposes of this examination, claim 52 is considered as referring to the *method* of claim 25.

5. Claim 26 recites the limitation "the act of providing a series of differently configured storage modules" in lines 1–2. There is insufficient antecedent basis for this limitation in the claim, as claim 51, from which claim 26 depends, is a product claim rather than a method claim and recites no acts or steps. For the purposes of this examination, claim 26 is considered as depending from claim 52, and claim 52 is considered a method claim as noted above.

***Claim Rejections—35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 6, 9, 10, 25, 26, 30–32, 34, 39, 40 and 51–53 are rejected under 35 U.S.C. 103(a) as being unpatentable over König, DE 197 00 330, in view of Winn et al., US patent 6,056,376. König discloses a cabinet (10) with back (16), side (18, 20), top (24) and bottom walls defining an interior; a door arrangement (14) movable between open and closed positions; differently configured storage modules (22, 34, 34.2, 37, 39) adapted to be mounted within the cabinet interior, and sets of storage modules mounted within the cabinet (Figs. 1, 2); firearm storage modules (22, 34, 34.2) configured to support and store firearms (30), and sets of firearm storage modules forming firearm storage arrangements (Figs. 1, 2); and shelf-type storage components (37, 39) secured within the cabinet along with the firearm storage modules. König thus teaches a cabinet system as claimed, with the exception of a door arrangement having a pair of folding door sections movable to a retracted position within the interior of the cabinet and a guide arrangement on the cabinet. Winn et al. teach a storage cabinet with walls (6) defining an interior; and having a door arrangement with a pair of folding door sections (1, 2), the door sections being movable between a closed position (Fig. 3) preventing access to the cabinet interior and an open position (Fig. 2) granting access thereto, and being movable (via carrier 5) to a retracted position (Fig. 4, movement along arrow) when in the open position; each folding door section including an inner door section (1) pivotally interconnected (via hinge 3) with an outer door section (2); and a guide arrangement (8, 9) on the cabinet and engaged (via guide

element 7) with each inner door section, maintaining engagement of the inner door sections with the cabinet during movement of the door arrangement (as in Fig. 1); the cabinet defining a door-receiving space (23) between the side walls (6) and interior structure (24). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the cabinet of König by replacing the single door with a pair of retractile folding sections with a guide arrangement and stored in door-receiving spaces, as taught by Winn et al., for the purpose of enabling the door arrangement to be conveniently tucked out of the way when not being used to secure the cabinet contents.

Regarding claims 3, 6, 9 and 10, König teaches firearm storage modules including a plurality of barrel rests (34, 34.2) secured above the stock rest via engagement with a mounting member (38), and rests and supports having a mounting section (52.2) and a barrel support section (34, 34.2), the mounting section having an engagement member (54) engaging a selected one of a plurality of spaced openings (36) in the mounting member.

Regarding claim 40, König teaches a cabinet with shelf-type storage components (37, 39) secured within the cabinet along with the firearm storage modules and inwardly of interior walls (18, 20), and Winn et al. teach a cabinet with an interior space defined by interior walls (24). Modified as above by Winn et al. to include door-receiving spaces, the cabinet of König would include shelf-type components inward of the door-receiving spaces as claimed.

Regarding claims 25, 26, 30–32, 34 and 52, as best understood, König and Winn et al. teach a cabinet structure meeting every claimed structural and functional limitation, thereby inherently teaching the claimed method steps of providing and mounting.

8. Claims 4, 5, 27, 41 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over König and Winn et al. as applied to claims 3, 26 and 40 above, and further in view of Sells

et al., US patent 4,868,975. Regarding claims 4, 27 and 41, König discloses firearm storage modules including stock rests (22) and barrel supports (34, 34.2), but not pistol supports. Sells et al. disclose a storage cabinet having firearm storage modules including stock rests (50), barrel supports (60, 70, 110), and pistol supports (150). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the cabinet of König, already modified by Winn et al. to include a retractile folding door arrangement, by including a pistol support, as taught by Sells et al., for the purpose of enabling the cabinet to contain and secure a wide variety of firearms.

Regarding claim 5, König teaches a stock rest configured for engagement with a lower wall of the cabinet (Fig. 1), but not one having spaced apart recesses. Sells et al. teach a stock rest (50) having spaced apart recesses (see Figs. 1, 2), each defining an area for an individual firearm (R, S). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the cabinet of König, already modified as above, by including spaced apart recesses in the stock rest, as taught by Sells et al., for the purpose of defining individual areas for the stocks of the supported firearms.

Regarding claim 44, König teaches a cabinet having a plurality of barrel rests (34, 34.2) secured above the stock rest via engagement with a mounting member (38); the mounting member being capable of supporting a variety of structures. It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the cabinet of König, already modified as above and including pistol supports, by supporting the pistol supports on the mounting member.

Regarding claim 27, König, Winn et al. and Sells et al. teach every claimed structural and functional limitation, thereby inherently teaching the claimed method steps.

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9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over König and Winn et al. as applied to claim 6 above, and further in view of Lavin et al., US patent 3,495,717. König teaches a mounting member (38) extending between a pair of spaced apart vertical support members (18, 20), but not vertical support members located within the interior of the cabinet and rearward of door-receiving spaces, or a mounting member engaging a vertically spaced engagement structure on the vertical support members whereby the elevation of the support member can be adjusted. Lavin et al. disclose a cabinet (1) containing a mounting member (7) with a plurality of openings (23) engaged by a variety of supports and rests (28), the mounting member having end sections (10, 12) mating with and engaging spaced openings in vertical support members (5), allowing the mounting member to be raised and lowered for convenience and accessibility, and the vertical support members being disposed at a rearward extremity of the cabinet interior. It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the cabinet of König, already modified by Winn et al., by including vertical support members rearward of the door-receiving spaces, and mating engagement structure on the vertical support members and the mounting member, as taught by Lavin et al., for the purpose of enabling the vertical repositioning of the mounting member.

10. Claims 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable König, Winn et al. and Sells et al. as applied to claim 45 above, and further in view of Lavin et al. König teaches a mounting member (38) extending between a pair of spaced apart vertical support members (18, 20), but not vertical support members located within the interior of the cabinet and rearward of door-receiving spaces, or a mounting member engaging a vertically spaced engagement structure on the vertical support members whereby the elevation of the support member can be adjusted. Lavin et al. disclose a cabinet (1) containing a mounting

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member (7) with a plurality of openings (23) engaged by a variety of supports and rests (28), the mounting member having end sections (10, 12) mating with and engaging spaced openings in vertical support members (5), allowing the mounting member to be raised and lowered for convenience and accessibility, and the vertical support members being disposed at a rearward extremity of the cabinet interior. It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the cabinet of König, already modified by Winn et al. and Sells et al., by including vertical support members rearward of the door-receiving spaces, and mating engagement structure on the vertical support members and the mounting member, as taught by Lavin et al., for the purpose of enabling the vertical repositioning of the mounting member.

11. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over König and Winn et al. as applied to claim 6 above, and further in view of Sells et al. and Bentley, US patent 5,271,174. König teaches firearm supports with mounting sections (52.2) configured to engage the mounting member (38), and a mounting member with a series of laterally spaced openings (36) engaging the mounting sections, and as noted above in item 8 it would have been obvious to add a pistol support to the cabinet of König; but König, Winn et al. and Sells et al. do not teach pistol supports with axial support members configured to be received within the barrel of a pistol. Bentley teaches a pistol support (10) having a mounting section (42) configured to engage a mounting surface, and an outwardly extending axial support member (23, 24) configured to be received within the barrel (14) of a pistol (12). It would have been obvious, to one of ordinary skill in the art at the time the invention was made, to modify the cabinet of König, already modified by Winn et al. and Sells et al., by including on each pistol support a mounting section to engage the mounting member and an axial support member to be received within the



barrel of a pistol, as taught by Bentley, for the purpose of positively and safely securing a pistol in the cabinet.

12. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over König and Winn et al. as applied to claim 1 above, and further in view of Fildes, US patent 1,811,312. Winn et al. teach folding door sections having inner and outer sections, the inner sections being adjacent each other when in a closed position; but König and Winn et al. do not teach a locking arrangement having latch members and control members on each door section. Fildes teaches a cabinet having a door arrangement with a pair of folding door sections (A, B, C; A', B', C'), each having an inner member (C, C') and outer door members (A, B; A', B'), the folding door sections being movable between closed and open positions; and a locking arrangement, including latch members (25, 26) carried by each folding door section and movable between engaged and release positions, and control members (30–33) carried by each folding door section and movable between first and second positions; the control members overlying the inner door members in the first position and being secured together (as by 40; page 2, lines 124–128). Thus, König and Winn et al. teach a cabinet system which can be considered a base device on which the claimed locking arrangement is an improvement; and the prior art in Fildes teaches a comparable cabinet that was improved in the same way as the claimed invention. One of ordinary skill in the art, therefore, could have applied the known lock mechanism of Fildes in the same way to the cabinet of König, already modified by Winn et al. as above, with predictable results.

***Response to Arguments***

13. Applicant's arguments, see pages 11–14, filed 13 March 2008, with respect to the rejection(s) of claim(s) 1, 25 and 39 under 35 USC 103(a) in view of König and Yenglin et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. Specifically, it is conceded that Yenglin et al. do not teach a guide arrangement as claimed in the current amendment. However, upon further consideration, a new ground(s) of rejection is made in view of König and Winn et al., as set forth above.

14. Applicant's remaining arguments filed 13 March 2008 have been fully considered but they are not persuasive. Applicant's comments (Remarks at page 14) regarding "a cabinet configuration in which the storage modules and the cabinet are configured to accommodate movement of the door sections to the retracted position within the interior of the cabinet and the storage modules are mounted within the cabinet interior" are moot insofar as they pertain to the withdrawn obviousness rejection in view of Yenglin et al., but will be addressed nonetheless as similar arguments could be made against the rejection in view of Winn et al. It is conceded that, as Applicant notes, that in König "the various storage compartments are against the side walls of the cabinet." However, both Yenglin et al. and Winn et al. teach false interior walls (Yenglin's 12a, 13a; Winn's 24) defining pockets or door-receiving spaces, and defining outer limits of the respective storage spaces in the cabinets. Thus it is considered that, in view of the teachings of Winn et al., it would have been obvious to modify the cabinet of König to include folding doors retractable into door-receiving spaces—which would include the false inside walls. Structure within the cabinet storage space that depended on the presence of side walls could interact in the same way with false interior walls.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mart K. Kuhn whose telephone number is (571)272-8926. The examiner can normally be reached on M–F, 8:30am–5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Janet M. Wilkens/  
Primary Examiner, Art Unit 3637

/MKK/  
Examiner, Art Unit 3637  
25 March 2008